

Message Text

CONFIDENTIAL

PAGE 01 STATE 087006

67

ORIGIN L-02

INFO OCT-01 IO-02 ADP-00 /005 R

66603

DRAFTED BY: L/ OA: BHOXMAN

APPROVED BY: L/ OA : BHOXMAN

----- 028178

R 101821 Z MAY 73

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 087006

FOLLOWING SENT ACTION YAOUNDE NAIROBI ADDIS ABABA DAKAR
KINSHASA FROM SECSTATE MAY 8

QUOTE

C O N F I D E N T I A L STATE 087006

E. O. 11652: GDS

TAGS: PBOR, XA, OAU

SUBJECT: LOS - OAU MINISTERIAL AND HEADS OF STATE MEETING

REFS: STATE 73822; STATE 82386

1. REPORTS FROM SEVERAL POSTS INDICATE THAT OAU GROUP OF
EXPERTS MAY HAVE PROPOSED THAT OAU RECOMMENDATIONS ON LOS
INCLUDE ENDORSEMENT OF 12 MILE TERRITORIAL SEA AND
"INNOCENT PASSAGE" THROUGH STRAITS.

2. U. S. OPPOSES APPLICATION OF INNOCENT PASSAGE IN STRAITS
USED FOR INTERNATIONAL NAVIGATION, AND HAS PROPOSED NEW
RIGHT OF FREE TRANSIT AS MEANS OF PRESERVING
ESSENTIAL ASPECTS OF FREEDOM OF NAVIGATION AND OVERFLIGHT
THAT WOULD BE LOST BY AGREEMENT ON EXTENSION OF TERRITORIAL
SEA FROM 3 TO 12 MILES IN STRAITS. THIS POSITION IS VERY
STRONGLY HELD AT THE HIGHEST LEVELS IN USG. OAU OPPOSITION
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 087006

COULD HAVE SERIOUS IMPLICATIONS FOR SUCCESSFUL NEGOTIATIONS IN LOS. MOREOVER, IT IS OUR VIEW THAT THE NATIONAL INTERESTS OF MOST OAU MEMBERS ARE NOT PREJUDICED, AND IN FACT ARE ENHANCED, BY THE UNITED STATES' STRAITS PROPOSAL. WE DO NOT BELIEVE, FOR EXAMPLE, THAT WEST OR NORTH AFRICAN STATES WOULD FIND IT TO THEIR ADVANTAGE TO ALLOW SPANISH CONTROL OF MOVEMENT THROUGH THE STRAIT OF GIBRALTAR. THE ISSUE DOES NOT CONCERN WHETHER OR NOT THESE COUNTRIES HAVE LARGE MERCHANT MARINE OR NAVAL FLEETS OF THEIR OWN, BUT WHETHER STATES BORDERING STRAITS CAN INTERFERE WITH COMMUNICATIONS TO AND FROM THESE COUNTRIES IRRESPECTIVE OF WHAT FLAG THE VESSEL FLIES.

3. UNITED STATES PRESENTED DRAFT ARTICLES TO THE U. N. SEABED COMMITTEE WHICH, INTER ALIA, PROPOSED AGREEMENT ON A MAXIMUM PERMISSIBLE BREADTH OF THE TERRITORIAL SEA OF 12 NAUTICAL MILES AND FREE TRANSIT OF STRAITS USED FOR INTERNATIONAL NAVIGATION. WHILE THESE PROPOSALS WOULD NOT ALTER THE RULE OF INNOCENT PASSAGE IN TERRITORIAL SEAS GENERALLY, THE UNITED STATES DELEGATION EXPLAINED WHY THE RESTRICTIONS OF INNOCENT PASSAGE SHOULD NOT BE APPLIED IN STRAITS USED FOR INTERNATIONAL NAVIGATION. IN STATEMENTS ON AUGUST 10, 1972, AND APRIL 2, 1973, U. S. REPRESENTATIVES STATED " THE UNITED STATES AND OTHERS HAVE MADE IT CLEAR THAT THEIR VITAL INTERESTS REQUIRE THAT AGREEMENT ON A 12- MILE TERRITORIAL SEA BE COUPLED WITH AGREEMENT ON FREE TRANSIT OF STRAITS USED FOR INTERNATIONAL NAVIGATION AND THESE REMAIN BASIC ELEMENTS OF US NATIONAL POLICY WHICH WE WILL NOT SACRIFICE." IN THE INTEREST OF ALL STATES IN A SUCCESSFUL LAW OF THE SEA CONFERENCE THAT ADEQUATELY ACCOMMODATES THEIR RESPECTIVE NATIONAL INTERESTS AND PROVIDES A FAIR AND EQUITABLE LEGAL REGIME FOR THE OCEANS, THE USG BELIEVES THAT REGIONAL MEETINGS, I. E., OAU SUMMIT IN MAY 1973, SHOULD ENSURE THAT DEFINITIVE POSITIONS ARE NOT TAKEN ON THIS MATTER THAT WOULD CAUSE THE UNITED STATES AND OTHER GOVERNMENTS TO REACH UNWARRANTED CONCLUSIONS REGARDING THE POSSIBILITIES FOR A SUCCESSFUL CONFERENCE.

4. DEPARTMENT REQUESTS EMBASSIES MAKE IMMEDIATE APPROACH TO AFRICAN LOS LEADERS IN CAMEROON (PAUL ENGO), KENYA
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 087006

(FRANK NJENGA) AND ZAIRE (KALONDJI TSHIKALA) AND TO THE TWO AFRICAN GOVERNMENTS SUPPORTING U. S. STRAITS POSITION, SENEGAL (MALIK DIA) AND ETHIOPIA (GETACHEU KIBRET). EMBASSY SHOULD STATE U. S. UNDERSTANDING THAT OAU MAY CONSIDER RESOLUTION FAVORING INNOCENT PASSAGE REGIME IN STRAITS AND THAT U. S. DEEPLY CONCERNED ABOUT POSSIBLE EFFECT ON LOS NEGOTIATIONS OF OAU AGREEMENT ON SUCH A

RESOLUTION. EMBASSY SHOULD THEN EXPLAIN THAT WE ARE CONSIDERING ACTION INCLUDING THE POSSIBILITY OF A DEMARCHE TO AFRICAN CAPITALS. EMBASSY SHOULD DRAW ON PARAS 2 AND 3 IN EXPLAINING US CONCERN. EMBASSY SHOULD INDICATE U. S. UNDERSTANDING OF HOST GOVERNMENT SUPPORT OF U. S. POSITION OR UNDERSTANDING OF MAJOR ROLE IN LOS OF INDIVIDUAL, AS APPROPRIATE, AND REQUEST OPINION AS TO BEST MEANS TO AVOID OAU ENDORSEMENT OF INNOCENT PASSAGE, AND WHETHER DEMARCHE WOULD BE HELPFUL.

5. WE ARE CONCERNED THAT EMBASSIES NOT GIVE IMPRESSION THAT FAILURE TO RAISE RESOURCE ISSUES INDICATES CHANGE IN OUR DETERMINATION TO PROTECT BASIC U. S. RESOURCE INTERESTS. ACCORDINGLY, EMBASSIES SHOULD EXPLAIN THAT WE ARE NOT RAISING RESOURCE ISSUES AT THIS TIME BECAUSE WE REALIZE THE COMPLEXITY OF THOSE ISSUES IS NOT AMENABLE TO DETAILED TREATMENT AT HIGH LEVEL OAU MEETING, AND BECAUSE WE ASSUME FROM DISCUSSIONS IN SEABED COMMITTEE THAT AFRICAN STATES SUPPORTING EXCLUSIVE ECONOMIC ZONE DO NOT REGARD THAT CONCEPT AS INCONSISTENT WITH AGREEMENT ON APPROPRIATE INTERNATIONAL STANDARDS AND DISPUTE SETTLEMENT PROCEDURES. ROGERS
UNQUOTE ROGERS

CONFIDENTIAL
NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 10 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: thigpegh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE087006
Document Source: CORE
Document Unique ID: 00
Drafter: L/ OA: BHOXMAN
Enclosure: n/a
Executive Order: GDS
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730541/aaaaiszr.tel
Line Count: 140
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 STATE 73822, 73 STATE 82386
Review Action: RELEASED, APPROVED
Review Authority: thigpegh
Review Comment: n/a
Review Content Flags:
Review Date: 05 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05-Oct-2001 by elyme>; APPROVED <16-Nov-2001 by thigpegh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 980126
Subject: LOS - OAU MINISTERIAL AND HEADS OF STATE MEETING
TAGS: PBOR, XA, OAU, PBOR
To: USUN NEW YORK
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005